

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
APRIL 18, 1973

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 18, 1973, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT, KATNICH,
PINKERTON, SCHAFFER
and HUGHES (Mayor)

Absent: Councilmen - None

Also present: City Manager Henry Glaves, City Attorney Robert Mullen, Planning Director James Schroeder and Public Works Director Shelley Jones.

INVOCATION

The invocation was given by Councilman Ehrhardt.

PLEDGE

Mayor Hughes led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Pinkerton, Schaffer second, the Minutes of April 4, 1973, were approved as written and mailed.

PUBLIC HEARINGS

APPEAL -
RANCHO GRANDE
MOTEL - DENIED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hughes called for the public hearing to consider the appeal of Mr. and Mrs. Leonard Sullivan of the Rancho Grande Motel of the decision of the Planning Commission in denying their request for a Variance to increase the allowable sign overhang from 6 feet to 8-1/2 feet to permit an existing sign to remain at 807 South Cherokee Lane in an area zoned C-2 District.

Planning Director Schroeder introduced the matter and presented photographs of the existing sign.

Speaking in favor of the appeal were the appellants, Mr. and Mrs. Leonard Sullivan, 807 South Church Street. Mr. Sullivan said he felt they were being treated unfairly and he was very unhappy with the Planning Commission's decision. He asked questions concerning other signs within the City which he felt did not conform to the Sign Ordinance. Mrs. Sullivan requested the City to pay for the removal of the sign.

There being no other persons wishing to speak either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

After discussion by the Council, Councilman Ehrhardt moved the appeal be denied. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

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REZONE
225, 229 & 233
SOUTH CHURCH
STREET TO C-1

ORD. NO. 1003
INTRODUCED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, the Mayor called for the public hearing to consider the recommendation of the Planning Commission to approve the request of Mr. Robert Mertz on behalf of Mr. Harry Dobler and the Estate of Anna Kaiser to rezone parcels located at 225, 229 and 233 South Church Street from the R-HD, High Density Multiple-Family Residential District to the C-1, Neighborhood Residential District.

Planning Director Schroeder introduced the matter and presented a drawing of the area proposed for rezoning.

Speaking in favor of the request was Stewart Adams, Attorney at Law, 121 West Pine Street, and representing Mr. Harry Dobler and the Estate of Anna Kaiser, the owners of the property.

There being no other persons in the audience wishing to speak either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

Councilman Schaffer said he wished to abstain from the discussion and voting because of a possible conflict of interest.

After Council discussion, Councilman Ehrhardt moved introduction of Ordinance No. 1003 rezoning the above parcels to be in the C-1, Neighborhood Residential District. The motion was seconded by Councilman Katnich and carried with Councilman Schaffer abstaining from the vote.

PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of April 9, 1973:

SPECIFIC PLAN -
THURMAN STREET

The Planning Commission recommended that the Specific Plan for Thurman Street be relocated northward within the Intercole Automation, Inc. property on the east side of Beckman Road, approximately 750 feet south of East Lodi Avenue. On motion of Councilman Katnich, Schaffer second, the Council set the matter for public hearing on May 2, 1973.

Councilman Pinkerton said he felt the zoning of that entire area should be discussed before action is taken on the Specific Plan.

ACTIONS OF
INTEREST

The Planning Commission also took the following actions of interest to the City Council:

1. Approved the request of Mr. Tom Miller for a Use Permit for open storage of trucks loaded with wrecked vehicles at the southeast corner of North School Street and Daisy Avenue in an area zoned M-2, Heavy Industrial District with certain conditions.

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2. Tabled for 2 weeks, until April 23, 1973, the request of Mr. Cye Vaughan on behalf of the El Rancho Motel for a Variance to increase the maximum permitted sign overhang of the public right-of-way from 6 feet to 10 feet to permit an existing sign to remain after May 31, 1973, at 603 North Cherokee Lane in an area zoned C-2, General Commercial District.

This action was taken in order to allow Staff time to (1) determine the height of the nearby Exxon sign and (2) to study the effect of raising the El Rancho sign to 75 feet.

3. Approved the request of Mr. Henry Yamada on behalf of Sell-Rite Market for a Variance to increase the maximum number of free-standing signs in a C-S, Commercial Shopping Center District from 1 to 2, to permit an existing sign to remain after May 31, 1973, at 1320 North Ham Lane.

The Commission was unable to find that a "hardship," as defined in the Zoning Ordinance, existed with regard to the nonconforming 50-foot sign height, and required that the sign be lowered to a maximum 35 feet.

4. Approved the request of Mr. Al Smatsky for a Variance to reduce the minimum required side yard from 5 feet to 2 feet, 8 inches to permit the addition of a room at 619 West Pine Street in an area zoned R-MD, Residential Medium Density District.
5. Recommended approval of the request of Happyholme Farms for a Variance and a Use Permit to increase the maximum permitted structure height from 35 feet to 120 feet for a grain elevator and to cover work area between existing buildings on the west side of Lower Sacramento Road, approximately 2000 feet south of Kettleman Lane, southwest of Lodi, with certain recommended conditions.
6. Recommended approval of the request of the Loyal Order of the Moose, No. 634, for a Use Permit to establish a private club on the east side of State Highway 99 Frontage Road, approximately 100 feet north of Acampo Road, north of Lodi in an area zoned R1-10, Residential District.

In regard to this matter, the Commission noted that inadequate coverage had been given to a possible noise problem in the Environmental Impact Report for this project. The Commission asked that this possible problem be explored in the Final E. I. R.

COMMUNICATIONS

TELEPHONE CO.
P. U. C.

A notice was read of the public hearing before the Public Utilities Commission to consider the application of the Continental Telephone Company of California for authority to establish extended area service between the Clements

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exchange of applicant and the Lodi exchange of the Pacific Telephone and Telegraph Company and to withdraw message toll telephone service rates now in effect between said exchanges. The hearing was scheduled for Tuesday, May 22, 1973, at 10:00 a.m. in the City Hall Council Chambers.

CALIF. REG.
WATER QUALITY
CONTR. BOARD

The City Manager presented a resolution received from the California Regional Water Quality Control Board, Central Valley Region, requiring cities and counties to notify the Regional Board of the filing of development proposals which involve a major waste discharge.

LEGISLATION

City Manager Graves also presented a resolution received from the City Council of the City of Long Beach urging support of Senate Bill 502 "The Federal Aid Highway Act of 1973," pertaining to urban public transportation. No action was taken.

PROCLAMATIONS

GOODWILL
WEEK

Mayor Hughes declared the week of May 6 through May 12, 1973, to be "Goodwill Industries Week" in the City of Lodi.

GERMAN
HERITAGE
DAY

The Mayor also declared April 22 through April 28, 1973, to be "German Heritage Week" in the City of Lodi.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$327,272.94 were approved on motion of Councilman Schaffer, Ehrhardt second.

MASSAGE
PARLOR

The discussion of the proposed massage parlor ordinance having been continued from the meeting of April 4, the City Manager presented it for Council discussion. He reviewed for the Council the changes proposed by the City Attorney and Police Chief.

ORD. NO. 1004
INTRODUCED

Under the discussion of the ordinance, Councilman Katnich and Councilman Pinkerton said they felt there should be a provision included in the ordinance which would require health certificates of massage technicians.

Mr. Ken Barlow, 3053 Eighth Street, Ceres, who was in the audience, suggested certain changes to the ordinance.

After further Council discussion, Councilman Ehrhardt moved the introduction of Ordinance No. 1004 providing for the licensing and regulation of massage establishments and massage technicians. The motion was seconded by Councilman Schaffer and carried by the following roll call vote:

Ayes: Councilmen - Ehrhardt, Schaffer and Hughes

Noes: Councilmen - Katnich and Pinkerton

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PERS
INCREASE

ORD. NO. 1005
INTRODUCED

On February 21, 1973, the City Council authorized an amendment to the Public Employees' Retirement System contract to improve the retirement benefits to those employees who had retired prior to January 1, 1971. The City Manager said it was now necessary to adopt an ordinance authorizing the amendment to the contract. On motion of Councilman Ehrhardt, Katnich second, the Council unanimously introduced Ordinance No. 1005 authorizing an amendment to the contract between the City and the Board of Administration of the California Public Employees' Retirement System.

HIXSON
TRACT

The City Manager presented the Hixson Tract final map, improvement plans and security, subdivision agreement and electrical utility agreement for Council approval. Councilman Schaffer moved approval of the final map, improvement plans and securities and authorized the City Manager to sign the subdivision and electrical utility agreements on behalf of the City. The motion was seconded by Councilman Ehrhardt.

Under the discussion, the Council discussed the lack of drainage in the area of Corbin Lane and Tokay Street. Councilman Pinkerton pointed out that adequate drainage facilities for the proposed subdivision were not available, and he felt this problem should not be compounded by further development in this area.

Public Works Director Jones discussed the drainage problem in the southwest Lodi area. The Council then requested that draft Environmental Impact Reports for any development in that area be submitted to the Council for information and review.

After considerable discussion of the drainage problems, the above motion passed by unanimous vote. On motion of Councilman Schaffer, Ehrhardt second, the Council then directed the staff that no other developments should be considered in the area south and west of the Woodbridge Irrigation District Canal unless an alternate plan for storm drainage of that area has been approved by the Council. This motion passed by unanimous vote of the Council.

A-2 BASIN
STRUCTURES
ACCEPTED

On motion of Councilman Katnich, Schaffer second, the Council unanimously accepted the A-2 Retention Basin structures and piping as complete and authorized the Public Works Director to file the Notice of Completion on the project.

AWARD - ELM ST.
STORM DRAIN

The City Manager presented bids received for the Elm Street Storm Drain - Lower Sacramento Road to Garden Drive as follows:

RES. NO. 3756

Floyd Johnston Construction	\$16,562.00
Pestana Plumbing Corp.	16,880.00
Fisher Bros., Inc.	20,250.40
Valley Irrigation Company	20,410.00
Teichert Construction	20,510.00
Dark Const. & Equipment	26,989.80

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The City Manager recommended the award be made to the low bidder for the amount of the bid. On motion of Councilman Schaffer, Ehrhardt second, the Council unanimously adopted Resolution No. 3756 awarding the contract for the Elm Street Storm Drain - Lower Sacramento Road to Garden Drive to Floyd Johnston Construction for a total of \$16,562.00.

SPECS - PUMPS
& MOTORS -
WELLS #16 & #17

City Manager Graves presented specifications for pumps and motors for Wells #16 and #17 for Council approval. Councilman Schaffer moved the specifications be approved and advertising for bids thereon authorized. The motion was seconded by Councilman Katnich. Under the discussion, Councilman Pinkerton moved the original motion be amended to provide that the staff be directed to include an alternate in the specifications for above-ground motors. The amendment to the original motion was seconded by Councilman Schaffer. The amendment then passed by the following roll call vote:

Ayes: Councilmen - Pinkerton, Schaffer and Hughes

Noes: Councilmen - Ehrhardt and Katnich

The original motion to approve the specifications and advertise for bids then passed by the following roll call vote:

Ayes: Councilmen - Pinkerton, Schaffer and Hughes

Noes: Councilmen - Ehrhardt and Katnich

MEMO OF
UNDERSTANDING
SJCEA

RES. NO. 3757

On motion of Councilman Katnich, Schaffer second, the Council unanimously adopted Resolution No. 3757 regarding the Memorandum of Understanding between the Management Representative of the City of Lodi and the Employee Representatives of the City of Lodi Chapter, San Joaquin County Employees Association, Inc.

MEMO OF
UNDERSTANDING
SJCEA-LIBRARY

RES. NO. 3758

On motion of Councilman Katnich, Schaffer second, the Council unanimously adopted Resolution No. 3758 regarding the Memorandum of Understanding between the Management Representative of the City of Lodi (Lodi Public Library) and the Employee Representatives of the City of Lodi Chapter, San Joaquin County Employees Association, Inc.

VACATION
SCHEDULE

ORD. NO. 1006
INTRODUCTION

The City Manager presented an ordinance amending Section 12 of Ordinance No. 444 concerning the vacation schedule. He explained that this ordinance would rescind all previous ordinances concerning vacation leave with pay and would adopt one new schedule.

On motion of Councilman Katnich, Ehrhardt second, the Council unanimously introduced Ordinance No. 1006 entitled, "An Ordinance Amending Section 12 of Ordinance No. 444 entitled, 'An Ordinance Fixing the Compensation of Officers and Employees of the City of Lodi and Repealing all Ordinances and Parts of Ordinances Inconsistent Therewith.'"

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APPROVE
ADDITIONAL
POLICE
OFFICER

RES. NO. 3759

City Manager Graves recommended to the Council the approval of one additional Police Officer position to fill the vacancies created when Police Department personnel are absent due to Police Officers Standards and Training Commission (POST) training courses. He explained that most of the cost for the position would be met by POST reimbursement and it would not be a cost to the local taxpayer.

Councilman Ehrhardt then moved adoption of Resolution No. 3759 establishing one additional Police Officer position in the Police Department. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

APPROVE
MODIFICATION
TO EUTHANSIA
UNIT AT POUND

City Manager Graves reported that legislation had been enacted which placed certain restrictions on the use of the Euthansia chamber used to destroy animals at the Pound. Due to this legislation, certain modifications must be made to the unit at the Pound. He reported the estimated cost of complying with the law to be \$3,451.50. He recommended the Council approve a special allocation in this amount and he be authorized to have the modification made to the unit.

On motion of Councilman Schaffer, Ehrhardt second, the Council approved the special allocation in the amount of \$3,451.50 and authorized the modifications to the unit.

SPECS - TWO
AUTOMOBILES

On motion of Councilman Katnich, Ehrhardt second, the Council approved specifications for two compact automobiles and authorized advertising for bids thereon.

AMEND
RES. NO. 3741

RES. NO. 3760

The City Manager explained that an error had been made in the legal description included in Resolution No. 3741 providing for condemnation of the Hughes-Wilson parcel for Lodi Lake Park expansion. He requested the Council adopt a new resolution to correct the error. On motion of Councilman Katnich, Schaffer second, the Council adopted Resolution No. 3760 amending Resolution No. 3741 providing for condemnation of the Hughes-Wilson parcel.

FIRE CAPTAIN,
POLICE TECH.

RES. NO. 3761

On motion of Councilman Ehrhardt, Schaffer second, the Council unanimously adopted Resolution No. 3761 adopting class specifications for Fire Captain and Police Technician and reclassifying the position of Records Officer to that of Police Technician.

ORDINANCES

REZONE
LONE OAK
SUBD. TO
R-1 DISTRICT

ORD. NO. 1001
ADOPTED

ORDINANCE NO. 1001, entitled, "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING 22 ACRES AT THE NORTHEAST CORNER OF THE EXTENSION OF SOUTH CLUFF AVENUE AND EAST VINE STREET (i.e., THE LONE OAK SUBDIVISION) TO BE IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT," having been introduced at a regular meeting on April 4, 1973, was brought up for passage on motion of Councilman Ehrhardt, Schaffer

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second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - EHRHARDT, KATNICH,
PINKERTON, SCHAFFER
and HUGHES

Noes: Councilmen - None

Absent: Councilmen - None

AMEND
ELECTRICAL
RATES

ORD. NO. 1002
ADOPTED

ORDINANCE NO. 1002, entitled "AN ORDINANCE REPEALING ORDINANCES NO. 781, 801 AND 988 OF THE CITY OF LODI AND ENACTING A NEW ORDINANCE ESTABLISHING RATES FOR THE SALE OF ELECTRIC ENERGY BY THE CITY OF LODI AND DECLARING THE SAME TO BE AN URGENCY MEASURE," having been introduced at a regular meeting on April 4, 1973, was brought up for passage on motion of Councilman Pinkerton, Ehrhardt second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:


Ayes: Councilmen - EHRHARDT, KATNICH,
PINKERTON, SCHAFFER
and HUGHES

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:40 p.m. on motion of Councilman Pinkerton, Ehrhardt second.


Attest: BESSIE L. BENNETT
City Clerk